

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

August 6, 1981
3:00 P.M.

Council Chambers
301 West Second Street

The meeting was called to order with Mayor McClellan presiding.

Roll Call:

Present: Mayor McClellan, Mayor Pro Tem Trevino, Councilmembers
Deuser, Duncan, Goodman, Mullen, Urdy

Absent: None

INVOCATION

The Invocation was given by Rabbi Joseph Garon Wolf, Agudas Achim
Synagogue.

MINUTES APPROVED

Councilmember Mullen moved that the Council approve the Minutes for
Special Meeting of July 27, 1981 and Regular Meeting of July 30, 1981. The
motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Deuser, Duncan, Mullen

Noes: None

Not in Council Chamber when roll was called: Mayor Pro Tem
Trevino, Councilmembers Goodman, Urdy

LEASE AGREEMENT

Councilmember Mullen moved that the Council adopt a resolution approving a lease agreement for the Office of Cable Communications and Office of Emergency Management in the Brown Building. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor Pro Tem Trevino, Councilmembers Deuser, Duncan, Mullen, Mayor McClellan

Noes: None

Not in Council Chamber when roll was called: Councilmembers Goodman, Urdy

Prior to the vote, Councilmember Mullen asked if some of the space in the Human Services Department can be used rather than sign another lease. Mr. Joe Morahan, Director of Property Management, said Human Services will be losing some people but the space they may have is in the San Jacinto Building, which is at 5th and San Jacinto, which is somewhat removed from the Municipal Building area, and although there may be some space available over there, it is not determined at this time how much space it will be. Mr. Morahan said they are considering various uses of that space to relieve some other needs from some departments in the Annex area. He said since Office of Cable Communications and the Office of Emergency Management are new offices creating new programs, their preference is to be located close to the administrative facility.

Councilmember Mullen said he would move approval but requested a report in 60 days regarding what happens to the other property.

APPROVAL OF TELECOMMUNICATIONS
SYSTEM CONTRACT POSTPONED

Council had before it the following resolution for adoption: Approval of contract for:

FISS TELEPHONE SYSTEMS, INC.
5501 North Lamar, Suite A-101
Austin, Texas

- Acquisition of new Police
Department Telecommunications
System
Lease Purchase Agreement
Total cost over 10 years -
\$567,440.00

Councilmember Goodman said he wanted to postpone a decision until August 20, 1981. Mayor McClellan inquired what the delay would do. Chief of Police Dyson told Council that it would delay the move in of the Police Department to their new building and would delay putting into action the use of 911 system. He said they would have to withdraw all 911 information from the telephone directory if Council delays approval of the contract.

Councilmember Mullen pointed out that Southwestern Bell's proposal was on a centralized system. He said Dallas did have a centralized system but they do not like it and are decentralizing.

Discussion followed concerning a delay and which system proposed would be best.

Motion

Councilmember Mullen moved that the Council adopt a resolution approving the contract with Fisk Telephone Systems, Inc. The motion was seconded by Mayor McClellan.

Mr. Solon Bennett, Director of Purchasing, went over the bids and said Fisk was the lowest price and highest points.

Councilmember Urdy questioned whether we should have two systems or if we should put it all in one system. Mr. Bennett said the consultant, Mr. Warner, will report on the question. After lengthy discussion by the Council, the following substitute motion was made.

Substitute Motion

Councilmember Goodman moved that the Council schedule approval of telecommunications system contract for action on August 20 with a report from the consultant. The motion, seconded by Councilmember Urdy, carried by the following vote:

Ayes: Councilmembers Duncan, Goodman, Urdy, Mayor Pro Tem Trevino

Noes: Councilmember Mullen, Mayor McClellan, Councilmember Deuser

Chief Dyson said he would cancel the 911 information immediately so it will not be printed in the new telephone book. Councilmember Goodman asked the representative from Southwestern Bell if they can hold the printing of 911 information for two weeks. The representative said they can.

SYSTEMS AUDIT OF ARA

Mayor Pro Tem Trevino moved that the Council adopt a resolution authorizing the execution of a contract with Coopers and Lybrand for a financial systems audit of Austin Redevelopment Authority. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Goodman, Mullen, Urdy, Mayor McClellan, Mayor Pro Tem Trevino, Councilmembers Deuser, Duncan

Noes: None

W.C.I.D. NO. 21

Councilmember Goodman moved that the Council adopt a resolution authorizing consent to the creation of Water Control and Improvement District No. 21 with the same provisions as Water Control Improvement District No. 20. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Mullen, Urdy, Mayor McClellan, Mayor Pro
Tem Trevino, Councilmembers Deuser, Duncan, Goodman
Noes: None

ADVISORY PLANNING COUNCIL

Councilmember Goodman moved that the Council adopt a resolution appointing Mr. Richard Lillie, Director of Planning, as the representative of the City of Austin to the "Advisory Planning Council" for the construction of the State of Texas Human Services Center. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmember Urdy, Mayor McClellan, Mayor Pro Tem Trevino,
Councilmembers Deuser, Duncan, Goodman, Mullen
Noes: None

ITEMS PULLED

The following proposed ordinances which were scheduled for consideration were pulled from the agenda:

Consider creating a Neighborhood Revitalization Commission.

Consider creating an Office of Neighborhood Revitalization and authorizing a budget of \$450,000 (CDBG - Community Development Block Grant) funds and transferring the unexpended funds and outstanding obligations from the April 1, 1981 contract with the Austin Redevelopment Authority (ARA).

ARA CONTRACT

Mayor Pro Tem Trevino moved that the Council adopt a resolution extending the contract with the Austin Redevelopment Authority approved in April 1981 to October 1, 1981. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Trevino, Councilmembers
Deuser, Duncan, Goodman, Mullen, Urdy
Noes: None

Motion to Reconsider

Mayor Pro Tem Trevino moved that the Council reconsider the motion. The motion, seconded by Councilmember Urdy, carried by a unanimous vote.

Motion

Mayor Pro Tem Trevino moved that the Council adopt a resolution to extend the contract with the Austin Redevelopment Authority (ARA) approved in April 1981 to September 30, 1981. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Deuser, Duncan, Goodman, Mullen, Urdy,
Mayor McClellan, Mayor Pro Tem Trevino
Noes: None

ZONING HEARING

Mayor McClellan announced Council would hear the following zoning case scheduled for 4:00 p.m. Pursuant to published notice thereof, the following zoning case was publicly heard:

E. G. AND
DOROTHY HESTILOW
BEN ASSOCIATES
C14r-81-084

4122 Banister
4300 block of Jinx
Avenue
1100-1200 block of Ben
White Boulevard

From "A" Residence
1st Height and Area
To "O" Office
2nd Height and Area
RECOMMENDED by the Planning
Commission "O" Office, 1st

Height and Area, as amended by the applicant; to be tied to site plan; subject to controlled gate for access on Jinx to be doctors only. If traffic becomes excessive on Jinx, Urban Transportation is to conduct a traffic study. At such time as it becomes excessive, the Planning Commission will reserve the right to close that access.

Mr. Lillie reviewed the application by use of slides.

MR. JIM BRADY, representing the applicant, told Council the plan is a good one and that Jinx will be closed except for a controlled gate with access available to the doctors only.

Councilmember Mullen moved that the Council close the public hearing and grant "O" Office, 1st Height and Area District, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Duncan, Goodman, Mullen, Urdy, Mayor
McClellan, Mayor Pro Tem Trevino, Councilmember Deuser
Noes: None

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

MUNICIPAL UTILITY DISTRICT ORDINANCE

Mayor McClellan introduced the following ordinance:

AN ORDINANCE REPEALING ORDINANCE NO. 800320-E; ESTABLISHING A POLICY RELATING TO POLITICAL SUBDIVISIONS CREATED PURSUANT TO ARTICLE III, SECTION 52 OF THE TEXAS CONSTITUTION OR ARTICLE XVI, SECTION 59 OF THE TEXAS CONSTITUTION FOR THE CITY OF AUSTIN; ESTABLISHING THEREIN BASIC QUALIFICATIONS FOR CONSENT TO THE CREATION OF A WATER DISTRICT; PROVIDING PERCENTAGES ALLOWED FOR BOND FINANCING; ESTABLISHING THE PROVISIONS OF THE BONDING PACKAGE; PROVIDING FOR THE PROVISION OF SPECIAL WATER AND SEWER RATES WITHIN THE CONSENT AGREEMENT AS AUTHORIZED BY SECTION 54.016(h) OF THE TEXAS WATER CODE; ESTABLISHING VARIOUS REQUIREMENTS; DECLARING A POLICY STATEMENT; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was read the first time, and Councilmember Mullen moved that the Council pass the ordinance to its second reading. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Mullen, Urdy, Mayor McClellan,
Councilmember Deuser
Noes: None
Abstain: Councilmember Goodman, Mayor Pro Tem Trevino,
Councilmember Duncan

The Mayor announced that the ordinance had been passed through first reading only.

Prior to the vote, Mr. Bulloch, Director of Water and Wastewater, said there were a couple of things staff wanted to look at when this was pulled off for discussion yesterday. "We talked about going back and looking at the allowables in Growth Management Area V as it relates to Municipal Utility Districts (MUD) and WCID's (Water Control and Improvement District). The proposal that Council has before it raises the allowables in Area V on water facilities. The intent being trying to encourage the creation of MUD's and in some cases WCID's instead of private systems. This is something we are recommending for Council consideration. The other thing that is very important is that there is wording in Section II, page 2 of the proposed ordinance that speaks to Council consideration of Municipal Utility Districts that might come in and not have direct relationship to the City. Examples of these in the past have been Lakeway, Brushy Creek MUD 2 in far north Williamson County-Travis County area and the Hurst Creek MUD which Council may choose based upon specific considerations of relationships to the City and relationship to ETJ (Extra-territorial Jurisdiction) and relationship to the City's ability to annex and control in the future to not have come under these provisions and that would be an option the Council would reserve and consider on a specific case by case basis. Obviously MUD's and WCID's that are adjacent to the developing areas of the City would be related to this ordinance. We are recommending the ordinance we had before plus these specific revisions for Council consideration. ... The revisions on Exhibit "A" under water facilities, the proposal is to increase from 30% to the proposal of 100% and in the case of water approach mains the original proposal was 30%, the proposal is increased to 60%. It is our concern that the bonding is available to encourage the highest quality water treatment plant that may be built out there and to encourage a MUD or WCID as opposed to a private water system that might build a treatment plant and then sell water to others.

CABLE COMMISSION**Motion**

Councilmember Mullen moved that the Council waive the requirement for three readings and finally pass an ordinance to create a nine-member Cable Commission. The motion was seconded by Mayor McClellan.

Councilmember Deuser asked why specify an official member from the Department who is going to be servicing the Commission. He said it goes without saying that the officer of the City of Austin will be a participant ex-officio just like any department head. Mayor McClellan agreed and said Councilmember Deuser's comment will be read into the record.

Strike and Insert

Councilmember Goodman offered an amendment to have the Cable Commission composed of 11 members. Councilmember Mullen accepted the amendment.

Friendly Amendment

Councilmember Deuser offered a friendly amendment to amend the ordinance to exclude the City of Austin Cable Communications Officer serving in an ex-officio capacity. The amendment was accepted.

Roll Call on Motion with Amendments

Mayor McClellan introduced the following ordinance:

AN ORDINANCE CREATING THE AUSTIN CABLE COMMISSION, ESTABLISHING THE PROCEDURES FOR THE AUSTIN CABLE COMMISSION; ESTABLISHING THE DUTIES AND RESPONSIBILITIES OF THE COMMISSION; PROVIDING FOR APPEAL OF CERTAIN DECISIONS TO THE CITY COUNCIL; PROVIDING FOR THE CONTRACTING OF SERVICES FOR ADMINISTRATION; ESTABLISHING A TERMINATION DATE FOR THE COMMISSION; PROVIDING A SEVERABILITY CLAUSE; SUSPENDING THE RULE REQUIRING THAT AN ORDINANCE BE READ ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Mullen moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Mullen, Urdy, Mayor McClellan, Mayor Pro
Tem Trevino, Councilmembers Deuser, Duncan, Goodman
Noes: None

The Mayor announced that the ordinance had been finally passed.

SOUND AMPLIFICATION ORDINANCE

Council had before it for consideration an ordinance to amend the Sound Amplification Ordinance relating to the use of amplified sound devices at Fiesta Gardens.

Mr. Albert DeLaRosa, Assistant City Attorney, stated, "We have determined that it is not necessary to amend the Sound Amplification Ordinance to take care of the problem at Fiesta Gardens. The reason for that is, as Mr. Ehrler has explained, there is permanently constructed band stand outside of the facility and the Ordinance provides that if a permanently constructed bandstand is to be used then the sound amplification devices can be used until 2:00 a.m. in the morning. It is Mr. Ehrler's duty, when we get a request to use Fiesta Gardens, to make a determination whether or not to extend the curfew past 10:00 p.m. If Mr. Ehrler determines that a group can stay at the facility until 12 midnight, then the Sound Amplification Ordinance would automatically authorize them to continue to use the sound device until midnight as well." Mayor McClellan commented that puts Mr. Ehrler in a tough position.

Mayor Pro Tem Trevino asked if there is an appeal process. Mr. DeLaRosa said there is none. He said the next step would be for Council to amend the ordinance to provide for an appeal procedure. Mayor Pro Tem Trevino instructed the City Manager to instruct the City Attorney to come back to Council with a proposed amendment to the ordinance.

MUNICIPAL BOND ELECTION

Mayor McClellan introduced the following ordinance:

Councilmember Mullen moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance, appointing Election Officials for the August 29, 1981 Municipal Bond Election; authorizing the City Clerk to fill vacancies. The motion, seconded by Councilmember Duncan, carried by the following vote:

810506-B
C-13

Ayes: Mayor McClellan, Mayor Pro Tem Trevino, Councilmembers
Deuser, Duncan, Goodman, Mullen, Urdy
Noes: None

The Mayor announced that the ordinance had been finally passed.

ZONING ORDINANCE TO BE BROUGHT BACK

Consideration of amending Chapter 45 of the Austin City Code of 1967 (Zoning Ordinance) to cover the following changes will be done at a later date:

CITY OF AUSTIN	6121 East Martin Luther	From Interim "AA" Residence
PLANNING DEPARTMENT	King, Jr. Boulevard	1st Height and Area
C14-80-115 (Tract 2)		To "C" Commercial
		1st Height and Area

ZONING HEARING

Mayor McClellan announced the following zoning case, scheduled for 4:30 p.m. would be heard. Pursuant to published notice thereof, the following zoning case was publicly heard:

RAYMOND H. STEWART	2013 Bluebonnet	From "A" Residence
By Robert Hageman		1st Height and Area
C14-81-105		To "A-2" Condominium
		1st Height and Area
		NOT Recommended by the
		Planning Commission

Mr. Lillie reviewed the application by use of slides, and said there was a valid petition on file. He said the request is to re-zone the property for residential condominiums.

ROBERT HAGEMAN, representing the applicant, showed a map of the area and said the neighbors are in favor of the proposed zoning change. He said the trees will be saved, and the site is across from a school, but he said the School Board has no qualms about the proposal. He said Mr. Muehlendorf of the Austin Independent School District (AISD) said they are only opposed to greater zoning. Mr. Hageman told Council children will not be effected by the proposed condominiums.

NITA TAYLOR appeared, and said she is impressed with the proposal and the trees will be preserved.

BILL STRANGE, 1905 Heather, said his property backs up to the site and felt the project would be an invasion of their property. He expressed concern about increased traffic and asked Council to deny.

CECILY SPRING, treasurer, Zilker-Barton Heights Neighborhood Association, expressed opposition because of traffic and density.

NICK WILLIAMS opposed the change because it would create traffic problems and be an encroachment on the neighborhood.

DIANE CARR, zoning roll-back chairman, Zilker Park Association, appeared to oppose the zoning change.

BILL BODE opposed because he said the traffic would be too heavy.

Robert Hageman reappeared for the summary and said he has watched the rush hour traffic and when MoPac is opened, it will carry much of the traffic away. He said the plan is to have a good area for children to live.

Council discussed the position of the School Board and referred to a letter which was a form letter sent which did not favor the change. Mr. Hageman said the letter was sent to all who applied for a change near a school and that the Board does not look at sites.

Councilmember Goodman explained all cases are reviewed on their merit and ultimately they must contend with higher density in the inner city to combat urban sprawl. Councilmember Duncan pointed out this is a set residential area.

Mayor Pro Tem Trevino said he would vote No to denial because he said if "we continue to object, we will say we favor no-growth and I don't support that."

Motion

Councilmember Duncan moved that the Council close the public hearing, uphold the recommendation of the Planning Commission and DENY the zoning change. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Deuser, Duncan, Urdy, Mayor McClellan
Noes: Mayor Pro Tem Trevino, Councilmembers Goodman, Mullen

The Mayor announced that the zoning change had been DENIED.

AUSTIN POLICE MONITORS

Councilmember Urdy moved that the Council approve the request of MS. COLEEN McHALE, representing Austin Police Monitors, for permission to sell beer at Auditorium Shores until 7:00 p.m., August 29, 1981, for the Second Annual Bean Bash & Chili Cook-off. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Deuser, Mullen, Urdy, Mayor McClellan
Noes: None
Not in Council Chamber when roll was called: Councilmembers
Duncan, Goodman, Mayor Pro Tem Trevino

Council did not approve Ms. McHale's request to include permission to hang a banner at 311 West 6th Street.

TRASH IN PUBLIC STREET

MR. CRAIG "CALVIN" JONES appeared before Council, representing the Bicyclers' Commuter Clinic, to discuss trash and junk in the public streets. He brought examples of debris left in the streets by builders and said the builders should be made to keep the streets clean.

Councilmember Mullen agreed there is a problem but there is no way it can be solved unless someone who specifically sees the debris falling from a truck prefers charges. The other members of Council also discussed the problem and arrived at no decision.

MERLE LANG

MR. MERLE A. LANG appeared before Council to discuss monies, which, in his opinion, are due him by the City of Austin.

FAIR HOUSING AMENDMENT DISCUSSED

MR. RAY W. BAKER appeared before Council to discuss his opposition to the "sexual orientation" amendment to the Fair Housing Ordinance. He said no special rights should be given to any group based on their mode of life style.

RECESS

Council recessed its meeting at 5:50 p.m. and resumed its recessed meeting at 6:15 p.m.

ENERGY MANAGEMENT PLAN

MR. GEORGE PATTON, Community Energy Management Task Force, (CEMP) appeared before Council to request the setting of a public hearing for early September on the proposed Energy Management Plan.

Council agreed their agendas will be filled in September with budget hearings and discussion.

Motion

Councilmember Mullen moved that the Council set a public hearing on Proposed Energy Management Plan for October 8, 1981 at 6:00 p.m. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Goodman, Mullen, Urdy, Mayor McClellan,
Mayor Pro Tem Trevino, Councilmembers Deuser, Duncan
Noes: None

HUMAN RELATIONS COMMISSION

JOHN DARROUZET, Human Relations Commission, appeared before Council to request them to amend the Equal Employment Opportunity Ordinance to accommodate people who are mentally handicapped.

FAIR HOUSING ORDINANCE

Mayor McClellan opened the public hearing scheduled for 6:00 p.m. to consider amendments to the Fair Housing Ordinance.

MR. JOHN DARROUZET, Chairman, Human Relations Commission, reported as follows: "The Fair Housing Ordinance was adopted in 1977 and the amendments recommended tonight were not included in the 1977 Ordinance. Human Relations Commission began a housing pattern study subsequent to the 1977 Ordinance and resulted in publishing in 1979 a housing pattern study. Part of the study follow up included making recommendations for changes in the Fair Housing Ordinance. In 1980 the Human Relations Commission recommended a change in the Housing Ordinance to add as a protective class mentally handicapped. Council agreed and passed in 1980. The Human Relations Commission now recommends the changes before you.

"Basically, the changes add five protected classes: creed, marital status, parenthood, sexual orientation and age. They add consistent definitions. They put your appointed Commission in the process of determining whether prosecution should be recommended to the City Attorney. They empower the Human Relations Department Director to file complaints in certain circumstances. The changes do not:

1. Condone, encourage or promote any kind of behavior, rather it provides a legal process for limiting kinds of behavior.
2. It does not evaluate or judge the content of any one's claimed status, but rather seeks to provide a legal process for assessing claims of discrimination based upon a specified status.
3. The ordinance does not legislate a process for legal decisions where conflicting moralities may appear to be at issue, a process where the standards of proof are high and where the ultimate penalty for ignoring the City's legal process for conflict resolution is a \$200.00 fine."

Mr. Darrouzet went on to say the Commission recommends the changes and listen well to all the presentations which will be made during the public hearing. Councilmember Goodman asked if there have been any complaints since the mentally retarded provision has been passed. Mr. Darrouzet said none.

REVEREND BOB BRYAN, commission member and pastor of University Methodist Church, said the subject is human beings and the question should not be forced upon people who are not confessed Christians. He said all persons are entitled to human rights insured.

JANA ZUMBREN, chairman of housing, Human Relations Commission, said fair housing should be extended to all.

DR. GARY WITT, Human Relations Commission, stated the changes do not apply to people who own three houses or less.

PAT POUND, Human Relations Commission, spoke for disabled people.

MERLE MILES, Human Relations Commission, said the black female and single parents have been victims of discrimination. He said everyone is entitled to certain rights.

DR. STEVEN HOTZE, Executive Director, Austin Citizens for Decency, spoke against the amendments to the ordinance.

Councilmember Mullen told Council if they plan to vote on the ordinance amendments tonight, they could indicate their intention at this point and cut out a lot of discussion. Mayor McClellan concurred that this issue should be voted on this evening. Discussion followed as to whether Council would or would not take a vote tonight.

Motion

Councilmember Mullen moved that the Council vote on the amendments to the Fair Housing Ordinance tonight. The motion was seconded by Mayor McClellan.

Substitute Motion

Mayor Pro Tem Trevino made a substitute motion to refer to the Human Relations Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Trevino, Councilmembers Deuser, Duncan,
Goodman

Noes: Mayor McClellan, Councilmember Mullen

Abstain: Councilmember Urdy

Public hearing of citizens in the Council Chamber audience who had signed up to speak continued. Main issues of discussion were sexual orientation, discrimination against children and single parents, and whether or not government has a right to dictate use of personal property.

The following people voiced opposition to the proposed amendments of the Fair Housing Ordinance:

A. Wayne Haddock, Larry Niemann, John J. Kirschman, Allan Mesko, Don Edens, Bill Malone Jr., Brice Mondoville, Eddie Harp, Ronald B. Helle, Pastor David Kavecki, Philip Houser, Barbara Fraus, Rev. Gary Smith, Dr. Daniel H. Harris, Neal Lynch, G. P. Lundberg, Dr. Pat Beckham, Rev. James Weaver, Jim Whorton, Champ Howell, Gayle Marshall, R. Alan Wilbrown, Tom Scarborough, Dennis Ford, Daniel Randolph, Wayne Varnell, Alex Kelly, Wylie Comp, Walter Crowder, William D. Griffin, Fred Mason, Randy Schmidt, Frank McNabb, Rosemary Acunez, Beatrice Villegas, Dennis Butler, Pam Williams,

Lee B. Polance, Randolph A. Latal, Roy Behymer, Ken Craven, Nelson Puett, Ben Parham, Steve Moskowitz, Dale Brynnon, Anthony J. Martinez, Liz McAlister, Daniel A. Patterson, Peggy Sparks, David Sweet, Larry Curcoe, Gregg Johnson, Sandra Sarza, Gene Burkett, Lawrence Headeaux, Harvy Belwer, Robert Erger, Mark Harper, Kevin Reeves, Valine Buckelew, Joyce Taylor.

The following people are in favor of the proposed amendments to the Fair Housing Ordinance:

Laura Seymour, P. C. "Scottie" Scott, Steve Thomas, Clyde Combs, Sharon Taylor, Debbie Dotson-Parsons, Glen Scott, Marvin E. Provost, Bill Oliver, Tracy Stoke, Tony Paschall, Ginny Ballard, John Henneberger, Eric Michaels, Robert C. Stewart, Maria Ito, Susan Olan, Chester Wilson, Tom Philpott, Tony Anthony, Bill Connek, Dorothy M. Ruhl, Walt Wilder, Paul Goetler, Lonny L. Ingram, Cynthia Tannehill Faulk Ryland, Beverly Garrett, Ed Wendler Sr., Dale A. Beverly, Jim Marston, Bishop R. C. Harvey, Willio O. Gage, Jesse Johnson, Lanetta Cooper, Stephen Berezoytch, Elizabeth H. Epstein, Frank Horsfal, Gregory Haley, Richard Pearce-Moses, Leigh Finch, Shudde Fath, Wesley Nilbert, Peter Fears, Jerry Shaw, Bill Bode, Robert Brown, Bonny Keyes, Ted Bone, and Paul Carroll.

Bill Rawlis commented he thought the issue should be put to the voters. Mrs. Thomas Leonard asked Council to delete the homosexual clause. Bill Scarborough said the real question is what is the real word of God.

Councilmember Goodman thanked all the people for coming to the Council Chamber to express their opinions. He said he will vote for the amendments because that is what his conscience tells him to do because he believes in human rights. Councilmember Duncan agreed with Councilmember Goodman, said he hopes the people can transcend some of the anger, and he will vote in favor of the ordinance. Councilmember Urdy also expressed his support of the ordinance amendment.

Mayor Pro Tem Trevino said he voted for the amendments in 1977 and sees nothing to change his mind. He said we should not tolerate any kind of discrimination in this City. He believes there are some points which need closer scrutiny before a vote is taken. "We should add to Section 7 (Exceptions and Inclusions Section) the following:

1. Exempt a housing accommodation designed and operated exclusively for senior adults, or any nursing home, convalescent home, or retirement home.
2. Insure that a person will not rent to a family whose total number of persons exceeds the reasonable space available.
3. Based on my review of the Austin Housing Study presented to us in January 1980, families with children constitute 37% of the population of Austin. Over half of those rent. With these figures in mind, and allowing for the growth of our City, I suggest a certain percent of the rental units that do not fall into categories I have enumerated above should be reserved for families with children. To verify

this I would like to request that the Human Relations Commission hold a public hearing on the items I have presented and work with the Austin Apartment Association and the Austin Tenants Council to determine which percent figure is well-founded. I want the Human Relations Commission and appropriate City staff, as well as the Legal Department to carefully review these points and recommend appropriate language for the Council to consider.

Councilmember Mullen said he voted against these amendments in 1977. He said the question of parenthood needs to be looked into. He said he does not know how to handle aged and marital status. Mr. Mullen went on to say everyone had the right to a decent house and pointed out not one homosexual has testified tonight that he/she does not have a place to live. He feels nothing has been said at this hearing to require the government to step in and pass a law and government should not be used to promote a life style that has no problem with housing. Councilmember Mullen said he will not give homosexuals a stamp of approval. He will look at the parenthood and age issues but will vote against homosexuals. He will also favor deleting the clause which states the Director of Human Relations can bring suit.

Councilmember Deuser said he moved to Austin in 1967. At that time the fair housing law was overturned by referendum. He wants to delay the vote on the issue.

Mayor McClellan believes private entities should be allowed a large measure of freedom. It is in the best interests of everyone not to discriminate against race. She said every effort should be made to bring about better living conditions, but the government should not dictate lifestyles. So far, Mayor McClellan commented, she is not persuaded that the proposals are needed or necessary. She said she appreciates the views of all who spoke tonight and thinks Council should vote on the issue tonight.

Motion

Councilmember Mullen moved that the Council close the public hearing. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Trevino, Councilmembers Deuser, Duncan,
Goodman, Mullen, Urdy, Mayor McClellan
Noes: None

RECESS

Council recessed its meeting at 12:15 a.m. and resumed its recessed meeting at 12:25 a.m.

PUBLIC HEARINGS POSTPONED

Mayor Pro Tem Trevino moved that the Council postpone the following public hearing, scheduled for 7:30 p.m. to August 20, 1981 at 6:30 p.m.:

Consider an appeal from Mr. Richard Gravois, Glenna Balch, the Zilker Barton Heights Neighborhood Association and Cicily Simms, Richard and Elizabeth Murphy, on a Special Permit for Kinney Avenue Condominiums, 1307 and 1407 Kinney Avenue. C14p-81-029.

The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Duncan, Goodman, Mullen, Mayor McClellan, Mayor Pro Tem Trevino, Councilmember Deuser

Noes: None

Not in Council Chamber when roll was called: Councilmember Urdy

Mayor Pro Tem Trevino moved that the Council postpone the following public hearing, scheduled for 8:00 p.m., to August 20, 1981 at 7:00 p.m.:

Consider an appeal by John Meinrath from the imposition of monitoring and maintenance fees related to Maple Run, Sections 4 and 6.

The motion, seconded by Councilmember Deuser, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Trevino, Councilmembers Deuser, Duncan, Goodman, Mullen

Noes: None

Not in Council Chamber when roll was called: Councilmember Urdy

BOARD AND COMMISSION APPOINTMENTS

Mayor Pro Tem Trevino moved that the Council approve the following Board and Commission appointments:

Planning Commission

Rafael Quintanilla

Elizabet Ney

Sylvia Betts

Electric Utility

Gabriel Gutierrez, Jr.

Construction Advisory Committee

Scott Badget

Community Development

Norman Miller

The motion, seconded by Councilmember Goodman, carried by a unanimous vote.

WCID NO. 20

Councilmember Mullen moved that the Council adopt a resolution approving an agreement concerning the creation of the Travis County Water Control and Improvement District No. 20, not including sewer, and authority to be the same as WCID (Water Control and Improvement District) No. 19. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor Pro Tem Trevino, Councilmembers Deuser, Duncan,
Goodman, Mullen, Urdy, Mayor McClellan

Noes: None

WAIVER OF FEE

Councilmember Duncan moved that the Council adopt a resolution refunding the street closure fee for the closing of the 16th Street Alley between Lavaca and Guadalupe on August 23, 1981 as requested by Art Defense. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Deuser, Duncan, Goodman, Mullen, Urdy,
Mayor McClellan, Mayor Pro Tem Trevino

Noes: None

They had paid a fee of \$125.00 and Council allowed them the status of a non-profit organization, refunding \$100.00 of the fee.

PUBLIC HEARINGS SET

Mayor Pro Tem Trevino moved that the Council set public hearings on the following to consider annexation of the following tracts of land for August 17, 1981 at 4:00 p.m.:

1. Milwood Section 8 (68.96 acres) and other acreage requested by the City (45.30 acres). C7a-80-015
2. Pheasant Run Section 1 (49.43 acres) and other acreage requested by the City (22.57 acres). C7a-81-018
3. Westcreek Phase III (19.77 acres) and other acreage requested by the City (17.23 acres). C7a-81-001
4. Brodie Tract (79.77 acres). C7a-81-002
5. Maple Run Section 3 and Maple Run Section 4 (98.69 acres).
C7a-81-003
6. Milwood Section 10 (50.37 acres). C7a-81-004

7. Acreage out of J. C. Brook Survey #59 and John Applegait Survey #58 (64.94 acres) and other acreage requested by the City (2.09 acres). C7a-80-005

The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Duncan, Goodman, Mullen, Urdy, Mayor McClellan, Mayor Pro Tem Trevino, Councilmember Deuser
Noes: None

ORDINANCE REFERRED TO
PLANNING COMMISSION

The Council referred the following proposed ordinance to the Planning Commission:

Consider amending Sections 41A-205.1, 29A-105.1, 41A-306.1, and 29A-206.1 by deleting references therein to the Water Quality Review Board and substituting therefor the Water and Wastewater Commission and suspending the thirty day time period requirement for the holding of a hearing by the Water Quality Review Board for any and all requests for use of alternate strategies pursuant to such sections until such time that the Water and Wastewater Commission is created and appointed, and the Council rescinds this suspension.

ZONING SET FOR PUBLIC HEARING

The City Manager reported the following applications have been referred to the Planning Commission for recommendation and have been set for public hearing before the City Council on August 26 and/or 27, 1981:

MEADOW MOUNTAIN CORPORATION C814-81-006	Far West Boulevard	From "A" Residence 1st Height and Area To a Planned Unit Development --residential condominiums with two office sites.
BILL MILBURN, INC. and CITY OF AUSTIN By John Meinrath and City of Austin C14-81-115	Tract 1: 3510-3900 and 3601-3903 Alexandria Drive 8202-8206 and 8203-8205 Croftwood Drive 8300-8408 Hornet Drive and all of Counselor Drive, Caspian Drive, Cayuga Drive, Hobbs Cove and Arrow Drive Tract 2: 3508 Alexandria Drive 8301-8403 and 8410 Hornet Drive (continued)	From Interim "AA" Residence 1st Height and Area To "AA" Residence and "A" Residence, 1st Height and Area

	<u>Tract 3:</u> 3500-3506 Alexandria Drive 8210 Brodie Lane	
	<u>Tract 4:</u> 3501-3507 Alexandria Drive 8300 Brodie Lane	
FREDDIE C. VERRELL By Linda Underwood C14-81-116	1602 Fort View Road	From Interim "A" Residence 1st Height and Area To "GR" General Retail 1st Height and Area
THE FOUR ACES, A PARTNERSHIP By W. E. "Rooster" Andrews C14-81-117	509 West 39th Street	From "B" Residence 2nd Height and Area To "C" Commercial 2nd Height and Area
WANDA PLEONA WILCOX C14r-81-118	1101-1103 Ardenwood 4206 Bradwood	From "A" Residence 1st Height and Area To "O" Office 1st Height and Area
JOHN H. JOHNSON ESTATE By George Cofer/ Minor Wilson C14-81-119	1409 West 6th Street 512 Oakland Avenue	From "B" Residence 2nd Height and Area To "O" Office 1st Height and Area
HAZEL GOODNIGHT By Di Ann Johnston C14-81-120	4802 South Congress	From "DL" Light Industrial 1st Height and Area To "C" Commercial 1st Height and Area
ROBERT E. PARRIS, TRUSTEE C14r-81-121	10930 Research Boulevard	From Interim "AA" Residence 1st Height and Area To "GR" General Retail 1st Height and Area
NPC REALTY COMPANY By Scott Roberts C14-81-124	2902 William Cannon Drive	From "AA" Residence 1st Height and Area To "BB" Residence 1st Height and Area
CITIZENS NATIONAL BANK By Floyd Hill, P.E. C14r-81-125	9914, 10002-10116 Middle Fiskville Road 9914-10116 I.H. 35	From Interim "AA" Residence 1st Height and Area To "C" Commercial 1st Height and Area

JULIA VALLARINO
By John Cosgrove
C14-81-126

1207 West 49th Street

From "A" Residence
1st Height and Area
To "B" Residence
1st Height and Area

ESTATE OF NIEL M.
SORENSEN
By Pierrepont F.
Bartow, P.E.
C14-81-127

5807, 5809, 5811 and
5813 Cameron Road

From "A" Residence
1st Height and Area
To "BB" Residence
1st Height and Area

INDIA ALMENA MICKEY
By Roy A. Bechtol
C14-81-128

1504 West Avenue

From "A" Residence
1st Height and Area
To "O" Office
1st Height and Area

LAND EQUITIES,
INC.
Donald C. Babel
C14r-81-129

6413-6811 I.H. 35 (rear)
803-1001 Camino La Costa
904-1000 La Posada
Drive

From "C" Commercial
2nd Height and Area
To "C" Commercial
3rd Height and Area

CITY OF AUSTIN
PLANNING DEPARTMENT
C14-81-130

9010-9206 Steck Avenue
5100-5314 and 5101-5313
Doe Valley Lane
9200-9334 and 9201-9331
Knoll Creek Loop
5100-5118 and 5101-5115
Saddleridge Cove
5100-5200 Bluffside Drive
9000-9006 and 9001-9007
Arbor Oaks Cove
9100-9106 and 9101-9107 Country Canyon Cove
9100-9104 and 9101-9105 Echo Point Cove
9100-9106 and 9101-9105 Breeze Point Cove
9200-9208 and 9201-9207 Amberwood Cove
9200-9210 and 9101-9209 Summerhill Cove
5006-5506 and 5009-5505 Rain Creek Parkway
5200-5306 and 5201-5305 Welcome Glen
5300-5408 and 5301-5409 Musket Ridge
9600-9700 and 9601-9703 Morning Court
9700-9706 and 9701-9705 Sorrento Court
9700-9706 and 9701-9705 Courtleigh Circle
5300-5406 and 5301-5405 Marsh Creek Drive
9500-9512 and 9501-9513 Golden Hills Circle

From Interim "AA" Residence
and Interim "AA" Planned
Unit Development, 1st
Height and Area
To "AA" Residence and "AA"
Planned Unit Development
1st Height and Area

CITY OF AUSTIN
PLANNING DEPARTMENT
C14-81-131

206-304 and 207-303
Meadow Lea Drive
7100-7204 and 7101-7207
Wishing Well Drive
7006-7200 and 7007-7203
Lunar Drive
200-316 and 201-317
Kimberly Drive
300-402 and 301-407 Tawny Drive
7100-7110 and 7101-7111 Tawny Circle
7009-7203 Shadywood Drive
7100-7106 and 7101-7107 Lyric Drive

From Interim "AA" Residence
1st Height and Area
To "AA" Residence
1st Height and Area

CITY OF AUSTIN
PLANNING DEPARTMENT
C14r-81-132

6613 and 6803-7401
McNeil Road
All of Jekel Circle,
Pecan Street and
Oakmont Street

From Interim "AA" Residence
1st Height and Area
To Appropriate Zoning

CITY OF AUSTIN
PLANNING DEPARTMENT
C14r-81-135

23-41 Waller Street
41-1/4 - 49-3/4 Waller
(rear)
1201-1205 Haskell Street
(rear)
1207-1409 Haskell Street
36-56 Comal Street
22½-34½ Comal Street
1501-1511 Haskell Street

From "C" Commercial, 4th
Height and Area and "B"
Residence, 1st Height and
Area
To "O" Office, 1st and 4th
Height and Area; and "AA"
and "A" Residence, 1st
Height and Area

MCKEAN-EILERS, DAY
AND SWIFT BUILDINGS
C14h-81-011

311-319 Congress Avenue

From "C-2" Commercial
4th Height and Area
To "C-2-H" Commercial-Historic
4th Height and Area

FAIRWAY ESTATES,
INC.
By Ralph
Stansberry
C14r-80-049

9223-9233 Balcones
Club Drive
13316-13330 U.S. 183

From Interim "AA" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area

UVAG REALTY
PARTNERSHIP
By W. M. Faust
C14-81-053

3200-3220 and 3300-3310
North Lamar
1000-1012 and 1001-1013
West 33rd Street
1011-1015 West 32nd
Street
3105 Wabash
1010-1016 West 31st
3200-3212 Bailey
1201-1203 and 1207-1209
West 33rd Street
1307-1315 West 34th
3203-3211 and 3301-3305
Shoal Creek Boulevard
1221 West 33rd Street

Amendment to Restrictive
Covenant

CITY OF AUSTIN
PLANNING DEPARTMENT
C14-81-112

Area generally bounded
by West 29th to the
south; West 34th to the
north; Guadalupe to the
east; and Lamar Boulevard
to the west.

From "A", "BB", "BB-H", "B",
"O" and "C" 1st and 2nd
Height and Area
To "A" Residence, "A-H"
Residence-Historic, "BB"
Residence, "B" Residence,
and "O" Office, 1st and
2nd Height and Area

DIVERSIFIED
INVESTMENT COMPANY
By David H. Ham
C14-81-097

611 Blanco Street

From "A" Residence
1st Height and Area
To "B" Residence
2nd Height and Area

DOYLE WILSON
BUILDER, INC.
By Joe Lucas
C14-81-108

8006, 8100, 8102, 8104
South 1st Street

From Interim "AA" Residence
1st Height and Area
To "A" Residence
1st Height and Area

DOYLE WILSON
BUILDER, INC.
By Joe Lucas
C14-81-110

8400 block Robbie Drive
3810 Cima Serena

From Interim "A" Residence
1st Height and Area
To "A-2" Condominium
1st Height and Area

CITY OF AUSTIN
C14-81-156
By Planning
Department

3501-3507, 3500-3506,
3602-3900 and 3603-3903
Alexandria Drive
8202-8206 and 8203-8205
Croftwood Drive
all of Counselor Drive,
Casplan Drive, Cayuga
Drive, Hobbs Cove and Arrow
Drive
8210 and 8300 Brodie Lane

From Interim "AA" Residence
1st Height and Area
To "AA" Residence, 1st Height
and Area (Tract 1)
"A" Residence, 1st Height
and Area (Tracts 2 and 3)

CITIZEN COMMUNICATION

MR. C. W. BODE, JR., president elect, Capital Area Pharmaceutical Association, appeared before Council to say there was an error in the Minutes of July 30, 1981, and asked for it to be corrected. No action was taken by Council.

ADJOURNMENT

Council adjourned its meeting at 12:30 a.m., August 7, 1981.

APPROVED:


Mayor

ATTEST:


City Clerk